

**Norton Planning Board Minutes of Meeting  
For  
May 15, 2012**

**Call to Order**

The May 15, 2012 meeting of the Norton Planning Board held in the first floor Selectmen's Conference Room, was called to order at 7:15 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. David Miller, Vice-Chair; Mr. Patrick Daly; Mr. Scott Nichols; and Mr. Alec Rich. Absent: Mr. Joseph Fernandes and Mr. George Burgess. Also present was Mr. Charles Gabriel, Town Planner.

**Report of the Planning Board**

The Planning Board welcomed the newest Planning Board member, Scott Nichols, to the Planning Board.

Mr. Miller stated the storage facility appears to be at a standstill (Mr. Pasqualino's project).

Mr. Gabriel said there had been some correspondence from Jen Carlino, Conservation Agent, to Mark Dibb, engineer regarding wetlands at Horizon Beverage site and Ms. Carlino is looking for some bonding and some problems with plan. There are ConCom issues and may be separate from Planning Board issues. Some discussion occurred in regard to occupancy permit and Building Inspector's Office and "partial occupancy". Mr. Gabriel stated he was not sure what "partial" is as he had never heard of a "partial". Mr. Gabriel said he is aware zoning states until bond is up, no one is able to get an occupancy permit. Planning Board needs to be vigilant.

Mrs. Haracz said they can bond for remaining work that needs to be done. There is a procedure for a person to get in early.

Mr. Gabriel said Mr. Dibb read provision and according to Mr. Dibb there was some flexibility.

Mrs. Haracz referenced Section 15.9 of Town Bylaws "Implementation of Site Plan" and Mrs. Haracz read this aloud.

Mr. Miller asked about Waitkus status?

Mr. Gabriel responded there had been no conversation with anyone regarding this. Last conversation with town counsel, Ilana Quirk, she asked if Mr. Waitkus or his engineer came before Planning Board for modification of his plan. To the best of Mr. Gabriel's knowledge he has heard nothing.

Mrs. Haracz said possibly Mr. Gabriel can request an update.

**Approval of Minutes**

**MOTION was made by Mr. Miller to approve the Planning Board Minutes of Meeting, dated April 3, 2012, as amended. Second by Mr. Rich. Vote: All members voted in the affirmative with Mr. Nichols voting “present”. MOTION CARRIES.**

**Report of Town Planner**

Mr. Gabriel referenced LOC (Letter of Credit) regarding Red Mill Village, and David Eastridge of Thorndike called him and it appears there is some pressure from bank. The amounts are correct per his letter form bank last year. One references site plan and other restoration plan. A minor change and updates Board of how much cash Town is holding regarding Red Mill.

Concern at Red Mill that they will get “stuck” with a lot of roads. After looking at Special Permit and Definitive Plan that does not seem to be the case. Discussion ensued. Thorndike appears to not be “flush” with cash at this time.

Mr. Rich referenced the condo development, but was not privy on condo documents/laws.

Mr. Gabriel said if Town were to accept, they need to come before Planning Board first.  
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Mr. Gabriel referenced the most recent letter to Building Inspector and Building Inspector's response to Linda Clark, a Norton resident, regarding Reservoir team building project proposal. At what point could it be challenged; if no building permit, there should be a decision point to challenge as a citizen. Possibly not proceeding in the correct manner.

**Planning Board Business and Policies**

Next meeting of Planning Board to be held June 5 and 19; and July 10, 2012.  
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Turtle Crossing was referenced. Mr. Gabriel said public hearing is posted, however, he is not certain as to what date it will be held.

**Bills and Warrants**

**MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants in the amount of \$1,926.86, dated May 15, 2012. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**Approval Not Required Plans Pending:**

Applicant Name      Date Filed with Town Clerk  
No ANR's were reviewed.

**7:30 P.M. Public Hearing: Application of Robert Galloway** for a Special Permit to allow the construction of a common drive to serve three (3) homes off Lincoln Street. Mr. Galloway has submitted a request to withdraw his SP application.

Mrs. Haracz stated Mr. Galloway submitted a request to withdraw his application. Letter was received from Mr. Yarworth. Lots will be reconfigured.

**MOTION was made by Mr. Daly to allow Mr. Galloway to withdraw his application for Special Permit and without prejudice. Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**Jay Zola for Larson Farm Estates regarding modification of Special Permit #147 and Condition #4 requiring completion within 2 years of filing with the Town Clerk**

Mr. Jay Zola of Folkman and Zola Builders said this is a modification of special permit which was approved in 2007 and a condition it had to be completed in two years that was not seen/noticed. Concern they build  $\frac{3}{4}$  of road and would like clearance to go forward. Three lots on it; plan was originally for four lots but lost one.

Mr. Gabriel said he had plan. Mr. Gabriel asked Mr. Zola what will happen to A's and B's? Mr. Gabriel said Mr. Zola should do something with A and B lots so not "no man lands". They could be deeded with adjacent property owners.

Mr. Zola said he had no problem deeding them. He had no desire to build on them.

Mrs. Haracz stated they would need to be deeded "non-buildable", etc. Extending this permit is question today.

Mr. Miller said given the downturn the economy has taken he understood not proceeding.

Mrs. Haracz said technically special permits have a life of two years.

Mr. Zola stated, except this was an executed special permit.

Mrs. Haracz stated she agreed with Mr. Miller regarding the decline in the economy being a factor.

Mr. Gabriel said to file a letter with town clerk would be needed (not a major modification, so a letter to town clerk should be fine).

Mr. Zola stated he hoped within two years from now this would be completed. Hopefully within a year and a half ideally. Discussion on time to complete ensued.

Mr. Gabriel said road needs to be complete in two years.

Mr. Zola said road done before houses built is not a good idea. A 200' road.

**MOTION was made by Mr. Miller to modify Special Permit #4 and to state that all construction be completed by two years of this modification (Larson Farm Estates) made on May 15, 2012**

**(Special Permit 147, Condition #4). Second by Mr. Rich. Vote: Unanimous. MOTION CARRIES.**

**Adjournment**

**MOTION was made by Mr. Daly to Adjourn at 8:00 p.m. Second by Mr. Miller. Vote: Unanimous. MOTION CARRIES**

**Minutes Approved by Committee on: \_\_\_\_\_  
(Date)**

**Signature:**

\_\_\_\_\_

**Chairman:** \_\_\_\_\_

Respectfully Submitted,

Janet A. Sweeney  
Planning Board – Recording Secretary

**Documents Reviewed/Distributed at Planning Board Meeting of May 15, 2012**

- . Letter dated May 8, 2012 from Mr. Christopher Yarworth, President, Yarworth Engineering Company, Inc. to Mr. Charles Gabriel, Norton Planning Board, Re: Special Permit Application for a Common Driveway – Lots 3, 4, & 5 Lincoln Street (withdrawal of application)
  
- . Correspondence dated April 13, 2012 from TD Bank, N. A., to Town of Norton-Acting by and through its Planning Board Re: Thorndike Properties of Massachusetts, LLC – Irrevocable Standby Letter of Credit No. Draft, Expiration Date: December 1, 2012
  
- . Letter dated May 2, 2012, to Ms. Linda Clark from Scott Barbato, CBO, Building Commissioner, Re: Pheeny's Island Zoning (copy of letter to Planning Board)
  
- . Modification of Autumn Lane Special Permit #147 (Larson Farm Homeplace)-Findings and Decision